

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

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This Order Relates To:

ALL CASES

\_\_\_\_\_/

**ORDER REGARDING DISCOVERY CONFERENCE PROTOCOL**

**Discovery Disputes:** The following protocol supplements the Discovery Dispute Protocol set forth in the Fifth Amended Case Management Order (ECF No. 1255, PageID.39351–39353) and supplants the Order Regarding Status Conference and Discovery Conference Protocol (ECF No. 2348). The Court now orders as follows:

In the event of a discovery dispute, the parties must meet and confer. To satisfy this requirement, counsel to the dispute must notify the opposing party to the dispute, in writing, at least 5 business days in advance of the Deadline, as defined below. The party receiving the notification must respond and schedule a meet and confer at least 3

business days in advance of the Deadline. The meet and confer must take place at least 1 business day in advance of the Deadline.

If there is an impasse, the parties may contact the Court. To do so, counsel must e-mail Judge Levy's Law Clerk (Seth Mayer), with a copy to all relevant counsel, and:

- (1) indicate that the written notification, response, and meet and confer have taken place as set forth above; and
- (2) provide two to three paragraphs indicating the nature of the dispute or topic.

The Deadline is one week before the date set aside for a discovery dispute hearing date. The Court will set forth the monthly Deadline dates along with the dates for discovery hearings in an Order that follows each monthly status conference.

The Court will issue a notice of hearing and agenda if it determines that an on-the-record adjudication is required.<sup>1</sup> The notice and agenda will include whether the Court will accept 2-page single-spaced written

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<sup>1</sup> If the Court determines that an on-the-record adjudication is not necessary, the Court will communicate its determination to the parties.

submissions<sup>2</sup> from the parties e-mailed to the Law Clerk in advance of the hearing. The parties should not file items on the docket unless otherwise ordered.<sup>3</sup> If the dispute is resolved or the parties otherwise stipulate to withdraw their request for adjudication, counsel must contact the Court with a copy to relevant counsel as early as possible before the scheduled hearing.

Discovery hearings will be held on the record and via Zoom unless otherwise ordered.

IT IS SO ORDERED.

Dated: August 30, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 30, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager

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<sup>2</sup> The disputed discovery request may be attached to the 2-page summary. However, counsel must seek leave from the Court before appending any other attachments to their summaries.

<sup>3</sup> At the hearing, the parties may request leave to file their two-page summaries on the docket.